IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.F.A. No.1281 of 1999(O&M)
Date of decision: October 27 ,2006

Gurdev Singh and others V. State of Haryana

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

PRESENT: S/Sh.M.L.Sharma, M.K.Chauhan,
R.S.Khosla, H.N.Mehtani, Shailander Jain,
Sanjiv Sharma and R.P.S.Ahluwalia, Advocates
for the appellants.

Sh. H.S.Hooda,A.G.Haryana with Sh. Ramesh Hooda, Advocate for the respondents.

Viney Mittal,J.

This batch of first appeals has arisen out of various judgments and awards passed by the reference Court assessing the market value of the acquired land through a common notification issued under section 4 of the Land Acquisition Act,1894. Although in some of the judgments passed by the reference Court a different market value has been assessed but keeping in view the fact that arguments have been addressed by the counsel for the parties, commonly in all the first appeals, the present judgment shall dispose of all the first appeals. Whereas the claimant-landowners have approached through appeals claiming enhancement in compensation for the acquired land, the State of Haryana has filed appeals claiming reduction of the market value.

Vide a notification dated June 26,1989, issued under section 4 of the Land Acquisition Act,1894 ( hereinafter referred to as

the 'Act'), land in four villages in Tehsil Panchkula,( the then District Ambala ) was notified for acquisition for development and utilisation of land as residential, commercial and industrial area in Urban Estate, Panchkula. Land measuring 485.97 acres in village Bana Madanpur was notified for acquisition; in village Ramgarh land measuring 655.93 acres was so notified; in village Moginand 3 acres and 8 biswas of land was notified; and in village Jhuriwala 5 acres and 5 biswas of land was notified for acquisition. On June 25,1990. a declaration under section 6 of the Act was issued whereby the said land was acquired. Through four separate awards numbered as 5,6,7 and 8 rendered in June,1992, the Land Acquisition Collector assessed the market value of the acquired land in four villages. The assessment was done uniformly. The Land Acquisition Collector, classified the acquired land in four categories. Chahi/Abi land was assessed at the market value of Rs.1,10,000/- per acre; Barani land was assessed to the market value of Rs.90,000/- per acre; Banjar Qadim land was assessed at the rate of Rs.70,000/- per acre; whereas Gair Mumkin land was assessed at the rate of Rs.50,000/- per acre. The claimant-landowners remained dissatisfied with the aforesaid assessment. They sought reference of the matter under section 18 of the Act. The matter was, accordingly, referred through various references.

It appears from the record that the aforesaid references were taken up for adjudication by the reference Courts on different occasions. It also appears from the record that first in point of time, LAC case No.353 of 1996 ( Gurdev Singh and others V. State of Haryana) and other 120 references were taken up for adjudication. In the aforesaid lead case of Gurdev Singh, the parties led their evidence in support of their respective pleas. The claimants

produced oral as well as documentary evidence. Similarly, State of Haryana also produced oral evidence as well as documentary evidence. The reference Court vide its judgment/award dated December 12,1998 assessed the market value of the acquired land at the uniform rate of Rs.3,50,000/- per acre. Besides the aforesaid assessment, the individual claims made by the claimants with regard to the standing trees and super-structures on the acquired land were also adjudicated. The claimants were also held entitled to other statutory benefits.

Although the reference courts in various other reference proceedings adopted the assessment made in Gurdev Singh's case ( supra) and assessed the market value of the acquired land at the rate of Rs.3,50,000/- per acre, but it appears that in some of the reference proceedings through a separate award/judgment dated January 11,1999, the reference court assessed the market value of the acquired land at the rate of Rs.250/- per square yard. The claimants in the aforesaid reference proceedings have also chosen to approach this court through various first appeals claiming further enhancement. RFA No.3176 of 1999 ( Gian Singh and another V. State of Haryana and others) and three other appeals arise out of the aforesaid award dated January 11,1999. The State of Haryana has also filed first appeals against the aforesaid judgment dated January 11,1999 of the reference Court and has also claimed reduction of the market value.

It further appears from the record that through another award/judgment dated January 11,1999, the same reference court again chose to adopt the assessment in Gurdev Singh's case(supra) and assessed the market value of the acquired land at the rate of Rs.3,50,000/- per acre. The aforesaid claimants are also in appeal

claiming further enhancement. Similarly, State of Haryana has also filed appeals against the aforesaid awards claiming reduction of the market value.

As noticed in the opening para of the judgment, the learned counsel appearing for the claimant-landowners as well as the Advocate General, Haryana have addressed common arguments in all the appeals. Primarily the arguments have been addressed in Gurdev Singh's case. In addition, the learned Advocate General, Haryana has specifically challenged the assessment made in the case of Gian Singh etc., RFA No.3176 of 1999, and has contended that the assessment of the market value at the rate of Rs.250/ per square yard by the reference Court through its award dated January 11,1999 was absolutely without any justification and was in direct conflict with the earlier assessment made in Gurdev Singh's case and other matters.

At the outset it may also be relevant to notice that a Civil Miscellaneous application bearing CM 9519-CI of 2006 has been filed in RFA No.3176 of 1999 (Gian Singh and others V. State of Haryana and others) under Order 41 Rule 27 of the Code of Civil Procedure for leading additional evidence. By way of additional evidence, the applicant-appellants have sought to produce on record an award dated October 14,1992 passed by the learned Additional District Judge in reference proceedings arising out of notification dated December 12,1983 issued under section 4 of the Act qua the acquisition of land of village Judian. The aforesaid award has been produced on record as Annexure A1. Another award dated October 8,1993 in respect of assessment of acquired land of village Judian, which had been notified for acquisition under section 4 of the Act on August 16,1984 has been produced on record as Annexure A2.

Another award dated October 15,1998 passed by the reference Court with regard to the assessment of the acquired land of village Kharak Mangoli through a notification dated July 2,1985 has been produced on record as Annexure A3. Another award of the learned Additional District Judge dated May 9,1994 with regard to assessment of the acquired land in village Budhanpur notified for acquisition on June 28,1989 has been placed on record as Annexure A4. Similarly an award dated December 16,1998 passed by the reference court with regard to the assessment of acquired land of village Kundi vide notification dated January 29,1990 has been produced on record as Annexure A5. Through the aforesaid awards the market value of the aforesaid acquired land of the said villages was determined at the rate of Rs.250/- per square yard. Lastly a Layout Plan of Panchkula comprising of sectors 1 to 28 has been produced on record as Annexure A6. The applicant-appellants have prayed that the aforesaid additional evidence, has a direct bearing on the assessment of the market value of the acquired land of the four villages through the present notification dated June 26,1989 and, as such, is required to be taken into consideration.

All the learned counsel for the claimant-landowners have contended that the acquired land of the four villages was adjacent to the fully developed sectors of Panchkula and, as such, had a great potentiality for urban and commercial development. Learned counsel have also pointed out that the entire acquired land was at a short distance from Majri Chowk at Panchkula, which was the main chowk where the National Highway intersected the State Highway, going from Panchkula to Naraingarh. It has been pointed out that as a matter of fact the State Highway intersects the acquired land. It has also been argued by the learned counsel that various

sale deeds produced on record by the claimants have been completely ignored and not taken into consideration by the reference Court and because of the aforesaid fact the assessment made by the reference court is wholly inadequate. The learned counsel for the claimants have also argued that substantial material has been brought on record on behalf of the claimants to show that HUDA authorities were offering/ selling the plots in vicinity of the acquired land at a huge price and even if a substantial cut was imposed for development works and open spaces etc. and even if the deduction on account of development charges was made, still the aforesaid HUDA rates should have been taken into consideration by the reference Court. It has also been argued by the learned counsel or the claimants that the reference court has given absolutely no reason to assess the market value of the acquired land at the rate of Rs.3,50,000/- per acre.

On the other hand, Shri H.S.Hooda, learned Advocate General, Haryana has also assailed the assessment made by the reference Court through various awards. It has been argued by the learned Advocate General that there was no warrant, at all, for assessing the market value at the rate of Rs.3,50,000/- per acre, inasmuch as the various awards produced on the record pertaining to the assessment of the market value of the earlier acquired land, did not justify the assessment at the rate of Rs.3,50,000/- per acre. Learned Advocate General has specifically challenged the award of Rs.250/- per square yard as the market value in some of the reference petitions through award dated January 11,1999. It has been contended that in any case there was absolutely no justification for the aforesaid assessment being in conflict with the assessment made in other reference petitions.

I have duly considered the rival contentions raised on behalf of the parties. I have also gone through the record with anxious consideration.

At the out set it may be relevant to notice that the claimants have produced on record various site plans, Ak-shajras, Master Plan of Panchkula and development plan of Panchkula. The Master Plan of Panchkula Ex.P1 has been produced on record by Ms.Monika Sharma, Civil Engineer who has appeared as PW2. The acquired land has been shown in blue colour in the said site plan. PW5 Vijay Kumar, a Junior Engineer of District Town Planner, Panchkula, has produced on the record Master Plan of Panchkula as Ex.P4 and development plan of Chandigarh Periphery (Haryana Portion) as Ex.P5. Ak-shajra of the villages have also been produced on record. The aforesaid documents clearly depict the location of the four villages Bana Madanpur,Ramgarh, Moginand and Jhuriwala and other adjoining vilages namely, Nada, Devi Ngar, Maheshpur, Fatehpur, Haripur Kundi and Rally etc.

PW4 Devi Dutt, Office Kanungo, Panchkula was also produced by the claimants. The statement of the aforesaid witness may be relevant to notice here for ready reference:

> " I have brought the summoned record. The Akshsajra pertaining to villages Ramgarh, Bana Madanpur, Nada, Devi Nagar, Mahespur, Fatehpur etc.etc. Village Ramgarh revnue estate adjoins to that of village Bana Madanpur, and Bana Madanpur adjoins Nada, Devi Nagar and Maheshpur. The revenue estate of village Maheshpur adjoins Fatehpur, Haripur, and Fatehpur adjoins Kundi and Raily. The revenue estate of village Raily also adjoins that of village Maheshpur. Village

Maheshpur also adjoins revenue estate of village Raily. “

From the aforesaid documentary evidence as well as the statement of PW4 Devi Dutt, it is clear that the land of village Ramgarh adjoins to that of village Bana Madanpur and Bana Madanpur adjoins Nada, Devi Nagar and Maheshpur. Further revenue estate of village Maheshpur adjoins Fatehpur, Haripur and Fatehpur adjoins Kundi. The revenue estate of village Rally also adjoins that of village Maheshpur. It is on the basis of the aforesaid location of the acquired land and proximity of the various villages to each other that the claimant-landowners have maintained that the sale instances and the earlier judicial pronouncements of assessment of the market value, pertaining to the aforesaid villages were also required to be taken into consideration for the purpose of assessment of the market value of the present acquired land.

It may be relevant to notice here that a Division Bench of this court in Harchal Singh V. State of Punjab 1991 P.L.J.20 while considering the assessment of the market value of acquired lands in villages Kambali and Kambala for extension of Industrial Focal Point, Mohali, which were acquired vide notification dated February 4,1981, took into consideration the assessment of the market value for the acquired land in neighbouring villages Mataur and Sohana. After taking into consideration the situation of the acquired land in the aforesaid four villages, the following observations were made by the Division Bench :

> “The four villages are in the near vicinity of each other and are part of SAS Nagar/Mohali and this town is adjoining Union Territory of Chandigarh on one side and, therefore, has acquired potential for urbanization. In Mohali itself lot of construction had come

up before the acquisitions in dispute and therefore contiguous villages on this ground had also gained potential for urbanization. Once urbanization has come up and the acquired land has gained potential for that purpose it will be wholly wrong to classify the land on the basis of agricultural quality. Therefore, we are of the view that the entire land including those which are *Gair Mumkin and Banjar Qadim* cannot be kept in a separate category for fixing price. However, if it is found that the land is in depression because of *Chhappar*(Pond) or because of *Khatan*, lesser price may have to be fixed.

Before this Court, cases relating to acquisition of numerous villages in the Union Territory, Chandigarh for extension of Sectors came up for consideration in Letters Patent Appeal No.1207 of 1981 *Jaswant Singh v. Union of India* decided on 22.9.1982, wherein it was urged that there was hardly any scope for giving different/varied market price of land in different villages on the basis of its potentiality, it was held that it was appropriate to fix uniform rate for the land acquired in all the villages. The facts in these cases are similar and for the reasons recorded in *Jaswant Singh's case* (supra) we are of the view that the land acquired in all the four villages deserves to be allowed market rate at the uniform rate of Rs 1,75,000/- per acre. We order accordingly."

It is not in dispute that at the time of acquisition a substantial development had taken place in and around the city of

Panchkula. It is a matter of common knowledge that when huge colonies are developed, small distance between the revenue estates of two villages would loose much of its significance. Once a development activity is going on around the acquired land, the value of the acquired land increases rapidly. It is also well settled by now that in huge acquisition and mass development, a similar compensation should be awarded to all the claimant-landowners irrespective of some distance in the location of the land, unless the location of the land is having a definite distinct benefit and potential like being adjacent to the National Highway etc.

At this stage, some of the observations made by the Supreme court of India in Thakarsibhai Devjibhai and others V. Executive Engineer and another AIR 2001Supreme Court 2424 may also be notice with advantage:

> "12. As we have said above the High Court fell into error by reducing the quantum of compensation on this basis. The reduction has been made for two reasons, one that the present acquisition is of larger area and the second the distance between the land under acquisition and Ex.16 is about 5 Kms. With reference to question of acquisition being of a larger area, the error is, when we scan we find for the acquisition of each land owner, it could not be said that the acquisition is of a large area. Largeness is merely when each land holders land is clubbed together then the area becomes large. Each land owners holdings are of small area. Even otherwise, visioning in the line with submission for the State we find Ex.16 is about two hectares of land which cannot be said to be of small piece of land. So far the other

question of distance between the two classes of lands, that by itself cannot derogate the claim of the claimant unless there are some such other materials to show that quality and potentiality of such land is inferior. However, distance between the land under Ex.16 and the present land even if they are 5 Kms, apart would not be relevant, the relevancy could be, their distances from the Viramgam town. We find as per map produced by the State the present acquired land is about 3 Kms. away from it, while the land under Ex.16 is about two kilometers away from it. This difference is not such to lead to reduce the rate of compensation, specially on the facts of this case. In the present case, as we have recorded above, it has been found that the quality including potentiality of land between Exh.16 and the present one are similar. No evidence has been led on behalf of the State to find difference between the two. In view of this, the inference drawn by the High Court for reducing the compensation by Rs.10/- per sq. mtr. cannot be sustained. “

In the aforesaid legal backdrop and factual position, it has to be examined as to whether the learned reference court has taken into consideration the evidence on record to come to the right assessment. with regard to the market value of the acquired land.

PW1 Prem Singh, a claimant-landowner while appearing as a witness has stated with regard to the location of the acquired land and the surroundings thereof. He has also stated that many people were willing to purchase the land at a rate of Rs.1000/- per square yard but he was not willing to sell the same at the said

rate because of the fact that the city of Panchkula was nearby and the owners were hoping more increase in the price.

PW3 Bhudhu Khan is another claimant-landowner. Besides depicting location of the acquired land and the surroundings, he also proved on record the allotment letter Ex.P2 whereby, as an oustee, a one kanal plot was allotted to him at the rate of Rs.9,11,400/- and Ex.P3 whereby the aforesaid offer was made by HUDA to him.

Statement of PW4 Devi Dutt has already been extracted above.

PW7 is another claimant-landowner Jagdip Singh. He has narrated that the acquired land falls on State Highway Panchkula to Naraingarh-Dehradoon. He has also produced on record three sale deeds, as Ex.P6,Ex.P7 and Ex.P8. He has specifically stated that at the time of acquisition the rate of land was about 13 lacs per acre. He has also specifically stated that the quality of the acquired land is the same as that of the land under the sale deeds.

Similarly PW8 Jagjit Singh is another claimant-landowner. He has also detailed out the location of the land and advantages surroundings the same. He has also stated that on the Naraingarh Road from village Ramgarh, village Mankiyan falls at a distance of 1 ½ kms from Ramgarh village and village Mankiyan adjoins the land of village Bhanu. He has further stated that the revenue estate of village Bana Madanpur adjoins the revenue estates of villages Maheshpur, Kundi, Rally Fatehpur etc. and the total land of the said villages had been acquired by HUDA.

The claimants have also produced PW9 Pala Ram,Clerk of the office of Estate Ofice,HUDA, Panchkla. The aforesaid witness

has depicted the the rates at which HUDA plots were being offered for sale.

PW10 Shyam Singh is another claimant-landowner. Besides supporting his claim for higher compensation,the said witness has also produced on record a sale deed Ex.P9 dated February 14,1986.

The claimants have also produced Tulsi Ram as PW11 who had sold 15 marlas of land on September 27,1988 through sale deed Ex.P10 and had executed another sale deed dated March 13,1989 Ex.P11.

Another witness PW13 Prem Chand has produced three sale deeds Ex.PW12/A to Ex.PW12/C.

Similarly PW14 Ram Karan has produced on record mutation Ex.PW13/A pertaining to sale deed dated March 23,1988. Another witness Dhoop Singh, Kanungo, Office of Land Acquisition Collector,Panchkula, has produced the awards Ex.PW14/A to Ex.PW14/C and the rates assessed by the revenue committee as Ex.PW14/D to Ex.PW14/E.

PW17 Ajmer Singh has produced on record a sale deed Ex.P39 pertaining to sale of 8 marlas of land at village Bana Madanpur.

The State of Haryana has also produced on record Aks-shajra Ex.R1 and the copies of the sale deeds Ex.R2 and Ex.R3.

A perusal of the judgment of the reference court in Gurdev Singh's case, which is the main judgement under appeal,however, shows that although some notice of the aforesaid evidence had been taken by the reference court, but the aforesaid oral as well as the documentary evidence has not been discussed. No reasons whatsoever have been spelt out by the reference court

to come to the assessment of Rs.3,50,000/- as the market value of the acquired land. As a matter of fact the reference court has not even adverted to the sale deeds Ex.P6, Ex.P7 and Ex.P8 and the awards Ex.PW14/A, Ex.PW14C and Ex.P14/D. No reasons whatsoever have been given by the reference court to reject the sale instance Ex.PW11 dated March 13,1989. As a matter of fact my pointed attention has been drawn by the learned counsel for the claimants that whereas the rates depicted by the sale deed Ex.PW12/A executed on December 16,1985 were Rs.2,16,000/- per acre, the sale deed dated March 13,1989 Ex.PW11 depicted the price of Rs.8,00,000/- per acre.

Learned counsel for the claimants have also placed strong reliance upon the rates at which the plots were offered by HUDA in Sector 21 and in Sectors 27 and 28. It has been argued by the learned counsel that as per the law laid down by the Apex Court in P.Ram Reddy etc V. Land Acquisition Officer, Hyderabad Urban Development Authority, Hyderabad etc. 1995 LACC 184, the rates at which the plots in a developed Colony were sold, were also relevant for assessment of the market value and while making the assessment allowance of various factos such as loss of land out of the acquired land, to be used for roads, drains,parks, the expenditure involved in forming layout, waiting involved in sale of plots could be taken into consideration and after a reduction on the basis of the said factors, the market value of the acquired land could be determined.

The learned counsel for the claimants have relied upon the following observations made by the Apex Court in P.Ram Reddy's case(supra):

“ If evidence to be adduced in the said regard is of

public authorities or local boards or private developers who will have formed such layouts of building plots in the lands in the neighborhood of the acquired land and sold them, it would be of great value. No difficulty arises when all the materials needs to determine the market value of the acquired land with building potentiality on the basis of hypothetical layout of building plots to be formed in respect of it is made available to the Court, so as to enable it to find out the possible market value of the acquired land with reference to the price to be fetched by sale of building plots to be made in such land. But, owners of the acquired land with building potentiality, rarely produce all the material or evidence needed for the Court to determine the market value of the acquired land with building potentiality on the basis of a hypothetical layout of building plots to be thought of by the Court in respect of such land, although they rely on the price fetched by sale of plots in a developed layout or an undeveloped layout for determining the market value of their lands with building potentiality in the vicinity of such layout. It is where, the Court may have to inevitably fix the market value of the acquired land with building potentiality on the basis of the price got in the sale transactions relating to the building plots in a developed or an undeveloped layout relied upon by the owners of the land, if such transactions are found to be genuine. A simple method, therefore, is evolved by courts in determining the market value of the acquired land with building potentiality with reference to the retail

price to be fetched by sale of plots in a fully developed layout as on the date of publication of Notification under Section 4(1) of the Act. In Bombay Improvement Trust v. Marwanji Monekji Ministry, reported in AIR 1926 Bombay 420, the said method is referred to by Macleod, C. J. as that where the wholesale price of the acquired land with building potentiality could be fixed at one-third to one-half of the retail price fetched by sale of building plots in a developed lay out of building plots depending upon the nature of development taken place in such layout."

I have duly considered the aforesaid contentions raised on behalf of the claimants. In P.Ram Reddy's case (supra), it was held by the Hon'ble Supreme Court of India that an acquired land could be regarded as that which has a building potentiality, if such land, although was used on the relevant date envisaged under section 4(1) of the Act for agricultural or horticulture or other like purpose or was on that date even bearer or waste, had the potentiality of being used immediately or in the near future as land for putting up residential, commercial, industrial or other buildings. However, in the present case neither any finding has been recorded by the reference court nor any material has been brought to my notice by the claimants that the land in question could be used for building purpose either immediately or in near future without any further development. In any case since no such findings have been returned by the reference court, therefore, in abstract, the observations made by the Apex Court in the aforesaid case cannot be made applicable to the facts and circumstances of the case and the rates at which the plots were offered by HUDA, reflected by the

evidence led by the claimants, per see, cannot be used for assessment. If the claimants wanted to take advantage of the aforesaid rates, then they were required to prove that the acquired land had a building potentiality as noticed in the said judgment in P. Ram Reddy's case.

A further perusal of the award of the reference court shows that although it has taken note of the various earlier judicial pronouncements such as Ex.P73 and Ex.P76, pertaining to the assessment of the acquired land in village Judian but no reasons have been spelt out to rule out the said evidence out of consideration. Similarly no reasons whatsoever have been given with regard to the earlier pronouncements Ex.P49, Ex.P50, Ex.P51, Ex.52,Ex.P53 and Ex.P54. As notice above, the site plans and lay out plans of the area do not show that the lands of the aforesaid villages, in which the aforementioned assessments had been made, were at such a distance, which rendered the aforesaid pronouncements as irrelevant. In any case no such findings have been returned by the reference court.

Although a great deal of arguments have been addressed on behalf of the claimants as well as learned Advocate General for persuading this court to assess the market value of the acquired land at its own level, but I find that in the absence of certain basic findings which were required to be given by the reference court with regard to the location, similarity and potentiality of the acquired land vis-a-vis the evidence available on the record, it may not be possible for this court to make an independent assessment at this stage. In these circumstances, I feel that because of the fact that the reference court has chosen not to deal with the entire evidence available on the record and has not even adverted

to a substantial piece thereof, it would be appropriate if the matter is remanded back to the reference Court for fresh decision.

Before parting with this order, it may be also relevant to notice, as noticed earlier also, that in RFA No.3176 of 1999 and other connected mattes, arising out of the award dated January 11,1999, the reference court had chosen to assess the market value at the rate of Rs.250/- per square yard with regard to some land in village Bana Mandapur. On the very same day, in some other reference proceedings, the reference court had chosen to adopt the assessment in Gurdev Singh's case (supra) and has assessed the market value at the rate of Rs.3,50,000/- per acre. The Land Acquisition Collector himself had chosen to assess the market value of the acquired land in all the four villages at uniform rates. Neither any reasons have been given by the reference court to distinguish the said assessment proceedings nor there is any warrant to distinguish that case from the other cases. In my considered view, the entire acquired land of all the four villages is required to be assessed at a uniform rate.

For the foregoing reasons all the appeals filed by the claimant-landowners, as well as by the State of Haryana, are allowed. Various awards, under challenge, rendered by the reference court are set aside. The matter is remanded back to the reference Court for fresh decision of the reference petitions in accordance with law and in accordance with the observations made by this court above.

Since the claimant-landowners have also filed application for additional evidence, and as noticed above, some of the aforesaid evidence may also be relevant ( although no comments are offered on the same), therefore, the parties to the reference

petitions i.e.the claimants as well as the state of Haryana would be at liberty to lead further evidence before the reference court. CM No. 9519-CI of 2006 in RFA No.3176 of 1999 is also disposed of accordingly.

The present reference petitions were originally decided by the learned Additional District Judge at Ambala since Tehsil Panchkula was a part of the Amabla Sessions Division at that point of time. However, in the meantime Panchkula has been declared as an independent Sessions Divisions. In these circumstances, the matter is remanded back to be decided by a court of competent jurisdiction at Panchkula. The parties are directed to appear before the learned District Judge, Panchkula on December 11,2006. Learned District Judge shall either keep the cases with himself or may allocate the same to a court of competent jurisdiction for a decision in accordance with law. It is also directed that the amount of enhanced compensation if received by the claimants, would not be recovered back from them, till the matter is finally decided by the reference court and shall abide by the final decision thereof.

A copy of the order be given Dasti on payment of charges payable for urgent copy .

October ,2006 (Viney Mittal )
sks Judge